

ORDINANCE NO. 08-007

AN ORDINANCE CREATING CHAPTER 1-7.5 "ECONOMIC DEVELOPMENT" OF THE CODE OF ORDINANCES; FURTHER CREATING SECTION 1-7.5-1 "ECONOMIC DEVELOPMENT IMPACT FEE MITIGATION PROGRAM"; PROVIDING FOR SEVERABILITY, ALTERNATE METHOD, EFFECTIVE DATE AND FILING

WHEREAS, the Board of County Commissioners of St. Lucie County, Florida, has made the following determinations:

1. There is a need to establish an economic development impact fee mitigation program in the County because the imposition of the impact fees herein may place the County in a non-competitive position with other communities that have chosen not to require growth to pay its fair share of needed capital facilities, thus hindering efforts by the County and the community to encourage economic development opportunities within the County and to create permanent employment expansion opportunities for the County's citizens.

2. Section 125.045, Florida Statutes, provides the County with the power to enhance and expand economic activity in the County including the authority to expend and use public funds toward achievement of the County's economic development goals.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. LUCIE COUNTY, FLORIDA:

PART A. CHAPTER 1-7.5 "ECONOMIC DEVELOPMENT" IS HEREBY CREATED IN THE CODE OF ORDINANCES AND COMPILED LAWS OF ST. LUCIE COUNTY" BY CREATING PART A "ECONOMIC DEVELOPMENT IMPACT FEE MITIGATION PROGRAM" AS FOLLOWS:

Sec. 1-7.5-1. Economic Development Impact Fee Mitigation Program

(a) For the purpose of this section, the term "Qualified Target Industry Business" shall mean a new or expanding business in the County that has a positive economic and fiscal impact on the County and meets the requirements of Section 288.106, Florida Statutes, or its statutory successor in function, as a Qualified Target Industry Business. For the purpose of this section, the term "Applicant" shall include any person, company, research institute or business park developer that will house Qualified Target Industry Businesses.

(b) Because the imposition of the Impact Fees herein may place St. Lucie County in a non-competitive position with other local governments that have chosen not to require growth to pay its fair share of needed capital facilities, thus hindering efforts by the County and the community to encourage economic development opportunities within the County and to create permanent employment expansion opportunities for the County's citizens, there is hereby created an Economic Development Impact Fee Mitigation Program for certain Qualified Target Industry Businesses to mitigate any real or perceived disadvantage occurring from the imposition of the Impact Fees.

(c) This program is not intended as an entitlement program. The program is intended to provide the Board of County Commissioners the opportunity in its sole discretion, to grant impact fee mitigation to Qualified Target Industry Businesses.

(d) To be eligible for an Economic Development Impact Fee waiver, an Applicant must meet the following requirements:

(1) Qualify as a Qualified Target Industry Business and create a minimum of ten (10) new jobs or a 10% increase in existing employment (whichever is greater) with an average private sector wage (excluding benefits) of at least 107% of St. Lucie County's average private sector wage (excluding the top two executive salaries) and provide a benefit package that includes health insurance and remain in the County for a minimum of ten (10) years; or

(2) Qualify as a Qualified Target Industry Business and create a minimum of ten (10) new jobs or a 10% increase in existing employment (whichever is greater) with an average private sector wage (excluding benefits) of 100% of St. Lucie County's average private sector wage (excluding the top two executive salaries) and make a capital investment in the County of \$10 million or greater in construction, renovations, equipment purchases, or other major capital investment items and remain in the County for a minimum of ten (10) years; and

(3) Enter into an agreement with the County wherein the Applicant agrees to locate or expand its business operations to/within St. Lucie County for a period of at least ten (10) years. The Agreement will also require the Applicant to provide the County with the Applicant's Quarterly Report (UCT-6) and all other documentation to demonstrate that the job creation and salary level commitments were achieved.

(e) Any Applicant seeking an Economic Development Impact Fee waiver shall file an application for waiver with the County Administrator prior to the issuance of the Building Permit for the subject Capital Facilities Impact Construction. The application shall contain:

(1) a designation of the Capital Facilities Impact Construction for which the application is being submitted, including a current and complete legal description of the property upon which the Qualified Target Industry Business is proposed to be located;

(2) the name and address of the owner of the property upon which the Qualified Target Industry Business is proposed to be located;

(3) proof that the Capital Facilities Impact Construction will be a Qualified Target Industry Business;

(4) a notarized affidavit and all necessary supporting evidence affirming that the requirements of subsection (d)(1) or subsection (d)(2) above will be met within one (1) year of the date the Certificate of Occupancy is issued which term may be extended by the Board of County Commissioners upon good cause shown; and

(5) other necessary information as determined by the County Administrator.

(f) Any Applicant who submits an application for Economic Development Impact Fee Mitigation pursuant to this Section and desires the immediate issuance of a Building Permit prior to approval of the application shall pay the Impact Fees imposed herein. Should the Board of County Commissioners approve and accept the mitigation application, the mitigation amount shall be refunded to the Applicant or Owner.

(g) If the Applicant meets the requirements provided above for mitigation, the Applicant shall be eligible for the following:

(1) If the Applicant qualifies under subsection (d)(1) above, it shall be eligible to receive an Economic Development Impact Fee Mitigation in the following amounts; provided, however, that the Board may increase these waiver amounts in the event the Applicant exceeds these requirements:

<u>Number of Jobs Created</u>	<u>% of Average Private Sector Wage</u>	<u>Waiver Amount</u>
<u>Minimum of 10</u>	<u>107% plus benefits</u>	<u>\$3,500 per job created</u>
<u>Minimum of 10</u>	<u>150% plus benefits</u>	<u>\$5,000 per job created</u>
<u>Minimum of 10</u>	<u>200% plus benefits</u>	<u>\$7,500 per job created</u>

(2) If the Applicant qualifies under subsection (d)(2) above, it shall be eligible to receive an Economic Development Impact Fee Mitigation in the following amounts; provided, however that the Board may increase these mitigation amounts in the event the Applicant exceeds these requirements:

<u>Number of Jobs Created</u>	<u>Total Capital Investment</u>	<u>Waiver Amount</u>
<u>Minimum of 10</u>	<u>\$10,000,000 to \$14,999,999.99</u>	<u>40% of total County Impact Fees</u>
<u>Minimum of 10</u>	<u>\$15,000,000 to \$19,999,999.99</u>	<u>50% of total County Impact Fees</u>
<u>Minimum of 10</u>	<u>\$20,000,000 or more</u>	<u>60% of total County Impact Fees</u>

(3) Each Applicant shall only be eligible for mitigation under either subsection (C)(1) or subsection (C)(2), but not both.

(h) If the County Administrator finds that the Applicant meets the requirements provided herein for mitigation, the County Administrator shall agenda an Impact Fee Mitigation Agreement before the Board of County Commissioners, which shall contain, but not be limited to, the St. Lucie County Impact Fee Mitigation Application for Qualified Target Industries and any other documents as requested by the County Administrator. Because this Program is not an entitlement program, the Board may reject the request for mitigation without cause.

(i) Any incentive approved pursuant to the Economic Development Impact Fee Mitigation Program shall be paid from other legally available funds (other than impact fees).

(j) Any request for Economic Development Impact Fee Mitigation must be submitted to the County by the Applicant prior to the Applicant deciding whether or not they will expand or locate in St. Lucie County.

#### **PART B. SEVERABILITY.**

Provisions of this Ordinance are severable; and if any section, subsection, sentence or clause or provision is held invalid by any court of competent jurisdiction, the remaining provisions of this ordinance shall not be affected thereby.

#### **PART C. ALTERNATIVE METHOD.**

This Ordinance shall be deemed to provide an additional and alternative method for the implementation of the purpose authorized hereby and shall be regarded as supplemental and additional to powers conferred by other laws, and shall not be regarded as derogation or diminishment of any powers now existing or which may hereafter come into existence. This ordinance, being necessary for the Public Health, Safety, and Welfare of the inhabitants of the County, shall be liberally construed to affect the purposes hereof.

#### **PART D. EFFECTIVE DATE.**

A certified copy of this ordinance shall be filed with the Department of State by the Clerk of the Board of County Commissioners of St. Lucie County within ten days after enactment by the Board, and this ordinance shall take effect on upon filing with the Department of State.

#### **PART E. FILING WITH DEPARTMENT OF STATE.**

The Clerk be and hereby is directed forthwith to send a certified copy of this Ordinance to the Bureau of Laws, Department of State, the Capitol, Tallahassee, Florida 32304.

**PART F. ADOPTION.**

After motion and second, the vote on this ordinance was as follows:

Chairman Joseph E. Smith	AYE
Vice Chairman Paula A. Lewis	AYE
Commissioner Doug Coward	AYE
Commissioner Chris Craft	AYE
Commissioner Charles Grande	AYE

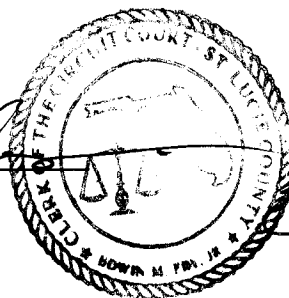
**PART G. CODIFICATION.**

Provisions of this ordinance shall be incorporated in the County Code and the word "ordinance" may be changed to "section," "article" or other appropriate word and the sections of this ordinance may be renumbered or relettered to accomplish such intention; provided, however, that parts B to G shall not be codified.

**PASSED AND DULY ADOPTED** this 15th day of January, 2008.

ATTEST:

  
Deputy Clerk



BOARD OF COUNTY COMMISSIONERS  
ST. LUCIE COUNTY, FLORIDA

By:   
Chair

APPROVED AS TO FORM AND  
CORRECTNESS:

  
County Attorney